

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/230,402      04/20/94      BHATTACHARJEE

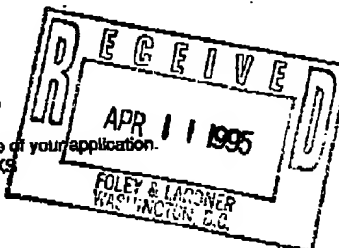
A 18861128UNIV  
EXAMINER

SIDBERRY, H

ART UNIT	PAPER NUMBER
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FOLEY & LARDNER  
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WASHINGTON, DC 20007-5109

1BN1/0407



1313  
DATE MAILED:

04/07/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

RESPONSE DUE 5/1/68  
257 12

☒ This application *restricted* has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 4 month(s), 30 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☐ Notice of References Cited by Examiner, PTO-892. 2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.  
3. ☐ Notice of Art Cited by Applicant, PTO-1448. 4. ☐ Notice of Informal Patent Application, PTO-152.  
5. ☐ Information on How to Effect Drawing Changes, PTO-1474. 6. ☐ \_\_\_\_\_

## Part II SUMMARY OF ACTION

1. ☒ Claims 1-15 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☐ Claims \_\_\_\_\_ are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☒ Claims 1-15 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other \_\_\_\_\_

Best Available Copy

Serial No. 08 230 40  
Art Unit 1813

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10, 15-17, drawn to vaccine comprising LPS from E. coli and OMP from N. meningitidis and a method of actively immunizing a host, classified in Class 424, subclasses 184.1, 193.1, 203.1, 250.1.

II. Claims 11-14, 18, drawn to antibody composition and a method of passive therapy, classified in Classes 424 and 530, subclasses 130.1, 137.1, 164.1 and 387.1, 388.4.

The inventions are distinct, each from the other because of the following reasons:

The Inventions of Group I and II are directed to two methods which differ in method steps, parameters and reagents used.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter, and because the searches for the individual Groups are not coextensive, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. Sidberry whose telephone number is (703) 308-0170.


Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to the

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Group 1800 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 1813 Art Unit fax Center number is (7030 305-7939)

5 Sidberry/hfs  
April 7, 1995

  
HAZEL F. SIDBERRY  
PRIMARY EXAMINER  
GROUP 1800